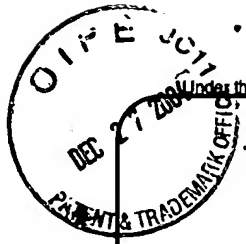


12-28-04

1Fw



PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	40/747,728	
	Filing Date	12-29-03	
	First Named Inventor	Marvin J. Williams, Jr.	
	Art Unit	3643	
	Examiner Name	J. Gellner	
Total Number of Pages in This Submission	4	Attorney Docket Number	---

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. postal receipt card 2. reply to election/restriction requirement with telephone interviews
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Law Office of Adrienne B. Naumann, Esq.		
Signature	<i>Adrienne B. Naumann, Esq.</i>		
Printed name	Adrienne B. Naumann, Esq.		
Date	12-27-04	Reg. No.	33,744

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage and is enclosed in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: <u>U.S. Express Mail No. ER 936009505 US</u>		
Signature	<i>Adrienne B. Naumann, Esq.</i>	
Typed or printed name	Adrienne B. Naumann, Esq.	Date 12-27-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



December 27, 2004

Mr. Jeffrey L. Gellner
Art Unit 3643
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY TO OFFICE ACTION OF DECEMBER 3, 2004
ELECTION/RESTRICTION REQUIREMENT

Re:
Applicant and Inventor: Marvin J. Williams, Jr.
Application Number: 10/747,728
Filing Date: December 29, 2003
Art Unit: 3643
Examiner: Jeffrey L. Gellner

Applicant elects the following single disclosed species pursuant to the December 3, 2004

Office Action in the above captioned case:

Species I - B - soybean.

The claims readable thereon are as follows:

Claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12 and 13.

SUMMARY OF TELEPHONE CONFERENCE WITH EXAMINER

ON DECEMBER 6, 2004

Participants: Adrienne B. Naumann, Esq. and Examiner Jeffrey L. Gellner.

Topic: Restriction/election Requirement of Office Action of December 3, 2004.

Others present: None.

Exhibits or other Demonstrations: None.

Claims Discussed: Claims 1 - 14.

Prior Art Discussed: None

Re: Reply to Election/Restriction Requirement of December 3, 2004; Application No.

10/747,728

Page 2 of 3

Substantive Amendments Discussed: None

Matter Discussed:

Ms. Naumann inquired how Mr. Gellner designated species and grouped claims listed in the Office Summary per species in the December 3, 2004 Office Action. Mr. Geller explained that Claim 1 is an example of Species I, and Claim 14 is representative of Species II, because of the difference in farming methods. Ms. Naumann's understanding is that Species A is the method in which the mulch comprises buckwheat and is represented by Claim 8, while Species B is the method in which the mulch comprises buckwheat and wheat (which is represented by Claim 9). The species in which a commercial crop is soybeans is represented by Claim 3.

SUMMARY OF TELEPHONE CONFERENCE

WITH EXAMINER ON DECEMBER 8, 2004

Participants: Adrienne B. Naumann, Esq. and Examiner Jeffrey L. Gellner.

Topic: Restriction/election requirement of Office Action of December 3, 2004.

Others present: None.

Exhibits or other Demonstrations: None.

Claims Discussed: Claims 1 –14.

Prior Art Discussed: None

Re: Reply to Election/Restriction Requirement of December 3, 2004; Application No.

10/747,728

Page 3 of 3

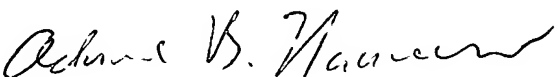
Matter Discussed:

Ms. Naumann stated Applicant's proposed claim groups to Mr. Gellner, who confirmed these groups for the election/restriction requirement as follows: Claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13: I-B-soybean; Claims 8: I-A; Claim 14: Species II. He also clarified the basis for designation of buckwheat and wheat methods as separate species.

Respectively submitted,

Marvin J. Williams, Esq.

Inventor and Applicant

By 

Adrienne B. Naumann, Esq.

Reg. No. 33,744

Phone: 847-329-8185

Fax: 847-329-8750